

Policy on use of physical contact, control or force on pupils DEC POLICY

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POLICY ON USE OF PHYSICAL CONTACT, CONTROL OR FORCE ON PUPILS

Department of Education and Children
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Summary of Contents

This policy clarifies the powers of teachers, and other members of staff who have lawful control or charge of pupils, on how they use control or force to prevent pupils committing a crime, causing injury or damage to either themselves or others, or behaving in any way that is causing disruption, which affects others.

This policy does not authorise the use of corporal punishment in any circumstances. Nor does it intend to encourage the use of inappropriate force, but does give guidance on when control or force is appropriate to use.

In schools control/force is generally used for 2 specific purposes, control or restraint

- Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).
- When members of staff use "force" they physically prevent a pupil from continuing what they were doing after they had been told to stop. A more extreme example of this would be when pupils are involved in a fight and physical intervention is required.

The Policy:

- Gives examples of circumstances in which physical intervention may be appropriate and the factors that teachers and school staff should bear in mind when deciding whether to intervene;
- Discusses the meaning of "reasonable force";
- States the need for each school to adopt this policy about the use of reasonable force and should tell the parents about it;
- States that schools should keep records of incidents in which control/force has been used to control or restrain a pupil and tell the parents of any such incidents involving their child.

Effective use of this policy is essential to a well-run school and the policy should be communicated to all staff, pupils and parents.

1. Introduction

This policy which replaces "the Policy on the Use of Force to Control or Restrain pupils issued in March 1999", comes into force on 1 July 2016, and applies to all schools.

It updates the March 1999 policy and offers more up to date guidance on the use of control or restraint, in order to help school staff better understand when it is right or appropriate to use them.

All school staff members have a legal power to use control or restraint, under section 21A of the Education Act 2001. Common law is often misunderstood and there is the misconception that any physical contact with a child is in some way unlawful, which is incorrect.

However this policy does not in any way authorise the use of any degree of physical contact which is deliberately intended to punish a pupil, or which is primarily intended to cause pain, or injury, or humiliation.

It is always unlawful to use control or force as a punishment because it would fall within the definition of corporal punishment, which is illegal.

2. The Policy

It is important that all staff in schools are made aware of this policy and clearly understand the options and strategies open to them. They must know what is acceptable and what is not. The governing/managing body, parents, and pupils also need to understand the need for and when the policy will be used.

The policy allows teachers, and other persons who are authorised by the headteacher to have control or charge of pupils, to use such force as is reasonable to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in any behaviour which seriously affects the good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The policy applies when a teacher, or other authorised person, is on the school premises and when he or she has lawful control or charge of the pupil concerned elsewhere, e.g. on a field trip or other authorised out of school activity.

All members of school staff, who work with pupils identified as being at risk of requiring intervention, need to be aware of the policy and trained in the use of Team Teach techniques or ROSPA Safer People Handling for those with disabilities.

The Headteacher or a member of the school's senior leadership team should draw up guidelines about the use of force to control or restrain pupils, and discuss these with the staff who may have to apply them, and with the governing/managing body of the school. Risk assessments should be carried out for identified pupils and suitable strategies put in place to de-escalate behaviour.

The policy should be included with the information the school gives parents about the school's policy on discipline and standards of behaviour.

3. Training of Staff

All staff must receive appropriate training in what options and strategies are available to them and refresher training should be available on a regular basis. Specialist Team Teach training is available for staff working primarily with children with SEBD.

4. Planning for Incidents

If a school is aware that a pupil is likely to behave in a way that may require physical control or restraint, it is essential to plan how to respond if the situation arises.

Such planning needs to address:

- managing the pupil's behaviour (e.g. reactive strategies to de-escalate a conflict, type of hold to be used); involving the parents to ensure that they are clear about what specific action the school might need to take if the pupil's behaviour is either disruptive, a danger to him/herself or to others;
- briefing staff to ensure they know exactly what action they should be taking (this may identify a

need for training or guidance);

- ensuring that additional support can be summoned, if appropriate;
- in some cases, particularly in SEN settings, the school may also need to take medical advice about the safest way to hold pupils with specific health needs.

5. Authorised Staff

The policy allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the headteacher to have control or charge of pupils.

This might include classroom assistants, care workers, midday supervisors, educational support officers, specialist support assistants, education liaison officers, escorts, caretakers or voluntary helpers including those accompanying pupils on visits, exchanges or holidays organised by the school.

Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The headteacher should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails.

Headteachers should arrange for appropriate training to be given. They should keep an up-to-date list of authorised people and ensure the members of staff know who they are.

6. Action in Self-Defence or in an Emergency

The policy does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use an unreasonable degree of force to do so. Similarly, in an emergency (for example, if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else), any member of staff would be entitled to intervene.

The purpose of the policy is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme, situations.

7. Types of Incidents

There are a wide variety of situations in which the use of control or reasonable force might be appropriate, or necessary, to control or restrain a pupil. They fall into three broad categories:

- (a) where action is necessary in self-defence or because there is an imminent risk of injury;
- (b) where there is a developing risk of injury, or significant damage to property;
- (c) where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within one of the first two categories are:

- to prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- to prevent a pupil engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- to prevent a pupil causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- to prevent a pupil running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
- to prevent a pupil absconding from a class or trying to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- a pupil persistently refusing to obey an instruction to leave a classroom;
- a pupil behaving in a way that is seriously disrupting a lesson/ sporting event or school visit.

8. What is Reasonable Force?

There is no legal definition of 'reasonable force'. It is not possible, therefore, to set out comprehensively when it is reasonable to use control or force, or the degree of control/force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- the use of control/force can be regarded as reasonable only if the circumstances of the particular incident warrant it. It is unlawful to use any control or force if the particular circumstances do not warrant it. Therefore, physical force could not be justified to prevent a pupil from committing a minor misdemeanour, or in a situation that clearly could be resolved without force.
- the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired results.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and sex of the pupil.

9. Practical Considerations

Before intervening physically a teacher or any member of the school staff should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher or staff member should continue communicating with the pupil throughout the incident, and should make it clear that physical contact or restraint would stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is needed and teachers or members of staff should never give the impression that they have lost their temper, or are acting out of anger or frustration.

There will be occasions where a teacher or member of staff should not intervene in an incident without help (unless it is an emergency); for example, when dealing with an older pupil, a physically large pupil, more than one pupil, or if the teacher or member of staff believes he or she or other pupils may be at risk of injury if they intervene. In these circumstances the teacher or member of staff should remove other pupils who might be at risk, ensure that the situation is safe and ask for assistance from a colleague or colleagues, or if necessary phone the Police.

The teacher or member of staff should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher or member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

10. De-escalation

Physical handling, control or force should only be appropriately used when de-escalation techniques have failed to defuse a situation.

11. Use of Control or Restraint

Physical intervention can take several forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing/pulling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or, in extreme circumstances,
- using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force'; for example, to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

However staff should not act in a way that might reasonably be expected to cause injury; for example, by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Teachers and school staff should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided.

The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils and pupils with special educational needs, who may not be able to understand (see below).

12. Pupils with Special Educational Needs and/or Disabilities

Positive handling plans for individual pupils who have a special need or disability, should be developed in consultation with the pupil and parents. These plans should be properly documented in school records. Further advice on positive handling and managing risks for pupils who present particularly challenging behaviours can be found in Team Teach or in the ROSPA guidance on moving and handling of children with disabilities.

Designated members of staff should be called if an incident involving a particular pupil occurs. Pupils who are at risk need to be taught, if possible, how to communicate in times of crisis and strategies to use in a crisis (such as non-verbal signals to indicate the need to use a quiet area etc.) all staff should be aware of these strategies.

It is essential that individual risk assessments are carried out where it is known that handling, control or force is likely to be needed with SEBD children, particularly those demonstrating extreme behaviours. An individual risk assessment is essential for pupils whose SEN and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication
- Physical disabilities and/or sensory impairments;
- Conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- Dependence on equipment such as wheelchairs, breathing or feeding tubes.

13. Recording Incidents

It is good practice for schools to speak to parents about serious incidents involving the use of force and it is important that there is a detailed, written report of any occasion (except minor or

trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and will be helpful should there be a complaint.

In deciding what is a serious incident, teachers and members of staff should use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff; and
- the child's age

Schools should keep an up-to-date record of all such incidents, preferably in a bound and numbered incident book. Immediately following any such incident the member of staff concerned should tell the headteacher or a senior member of staff and provide a written report as soon as possible afterwards. The report should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Parents of any child where control/force has been used should be informed of the incident, why the control/force was necessary and the outcome of the incident. The parent should be given the opportunity to discuss the incident with either the Headteacher or the member of staff who reported the incident. The Headteacher, or the member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

14. Complaints

The involvement of parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adhere to, should help to prevent complaints. However a dispute about the use of control/force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and the Department of Health & Social Care (Children and Families Division) under child protection procedures.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out.

In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of control/force was reasonable in the circumstances. Should this happen the panel, or court, would take into account this policy and whether it had been fully followed.

15. Physical Contact with Pupils in Other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by this policy.

Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or D & T, or if a member of staff has to give First Aid. Young children

and children with special educational needs may need staff to provide physical prompts or help, which should be detailed in their individual written plan.

Contact may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgment when they feel a pupil needs this kind of support.

There may be some children for whom contact is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused.

It is important that all staff are made aware that these children would not welcome physical contact and the school will need to develop a clear common practice towards particular groups of children. There should be a common approach where staff and pupils are of different sexes.

Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.